

# EXHIBIT 38

DR. WILLIAM LONGO, on 04/21/2021  
CHRISTINA G. PRUDENCIO vs. JOHNSON & JOHNSON, et al.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR

THE COUNTY OF ALAMEDA

CHRISTINA G. PRUDENCIO,

Plaintiff,

vs.

JOHNSON & JOHNSON; JOHNSON

& JOHNSON CONSUMER, INC.

(Sued individually and as

successor-in-interest to

JOHNSON & JOHNSON CONSUMER

COMPANIES, INC.), et al.,

Defendants.

) Case No.

) RG20061303

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) (Pages 1 - 228)

Certified Transcript

DEPOSITION OF EXPERT WITNESS

DR. WILLIAM LONGO

WEDNESDAY, APRIL 21, 2021

Reported by: KAREN C. WATERS, REGISTERED

PROFESSIONAL REPORTER

DR. WILLIAM LONGO, on 04/21/2021  
CHRISTINA G. PRUDENCIO vs. JOHNSON & JOHNSON, et al.

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<p style="text-align: right;">Page 2</p> <p>1 SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR 2 THE COUNTY OF ALAMEDA 3 4 CHRISTINA G. PRUDENCIO, ) 5 ) 6 Plaintiff, ) 7 ) 8 vs. ) Case No. 9 ) RG20061303 10 JOHNSON &amp; JOHNSON; JOHNSON ) 11 &amp; JOHNSON CONSUMER, INC. ) 12 (Sued individually and as ) 13 successor-in-interest to ) 14 JOHNSON &amp; JOHNSON CONSUMER ) 15 COMPANIES, INC.), et al., ) 16 ) 17 Defendants. ) 18 ) 19 ) 20 ) 21 DEPOSITION OF DR. WILLIAM LONGO, taken on 22 behalf of Defendants, remotely via 23 videoconference, commencing at 9:05 a.m. (PST), 24 Wednesday, April 21, 2021, before Karen C. 25 Waters, Registered Professional Reporter.</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCE (Via videoconference) (continued): 2 3 For Defendant PERRIGO COMPANY OF TENNESSEE: 4 GOODELL, DEVRIES, LEECH &amp; DANN, LLP 5 BY: JEFFREY J. HINES, ESQ. 6 One South Street 7 20th Floor 8 Baltimore, Maryland 21202 9 (410) 783-4041 10 jjh@gdldlaw.com 11 12 For Defendant VI-HON, INC.: 13 REED SMITH LLP 14 BY: SHANA E. RUSSO, ESQ. 15 506 Carnegie Center 16 Suite 300 17 Princeton, New Jersey 08540-7839 18 (609) 987-0050 19 srusso@reedsmith.com 20 21 Also Present: 22 Bret Hampton, the videographer. 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: (Via videoconference): 2 3 For Plaintiff: 4 KAZAN, MCCLAIN, SATTERLEY &amp; GREENWOOD 5 BY: IAN A. RIVAMONTE, ESQ. 6 Jack London Market, 7 55 Harrison Street 8 Suite 400 9 Oakland, California 94607 10 (510) 302-1000 11 irivamonte@kazanlaw.com 12 13 For Defendants LONGS DRUG STORES CALIFORNIA, 14 L.L.C., on behalf of LONGS DRUG STORES 15 CALIFORNIA, INC. (Erroneously sued as LONGS DRUG 16 STORES CALIFORNIA, L.L.C., individually and as 17 successor-in-interest, parent, alter ego, and 18 equitable trustee of LONGS DRUG STORES 19 CALIFORNIA, INC.); SAFEWAY INC.; LUCKY STORES, 20 INC.; and ALBERTSONS COMPANIES, INC.: 21 22 BARNES &amp; THORNBURG LLP 23 BY: MITCHELL R. CHARCHALIS, ESQ. 24 2029 Century Park East 25 Suite 300 Los Angeles, California 90067 (310) 284-3768 mcharchalis@btlaw.com For Defendants JOHNSON &amp; JOHNSON and JOHNSON &amp; JOHNSON CONSUMER INC.: KING &amp; SPALDING LLP BY: KEVIN HYNES, ESQ. 1185 Avenue of the Americas 34th Floor New York, New York 10036 (212) 790-5349 khynes@kslaw.com</p>	<p style="text-align: right;">Page 5</p> <p>1 I N D E X 2 DEPONENT: EXAMINATION PAGE: 3 DR. WILLIAM LONGO 4 BY MR. HYNES 10 5 BY MS. RUSSO 204 6 7 E X H I B I T S 8 MARKED PAGE: 9 Exhibit 1 April 8, 2021, letter from 16 10 Ms. Solorzano-Arroyo 11 Exhibit 2 April 14, 2021, letter from 16 12 Ms. Solorzano-Arroyo 13 Exhibit 2A Dodson tissue digestion file 17 14 Exhibit 2B March 2021 extra tissue analyses 17 15 performed by Lee Poye 16 Exhibit 2C Report of Dr. Sanchez regarding 17 17 Mr. Poye's tissue digestion 18 analysis 19 Exhibit 2D Appendix A to Dr. Sanchez report 17 20 Exhibit 2E April 8, 2021 Dr. Sanchez 17 21 General Geology Report 22 Exhibit 2F April 12th Dr. Segrave report 17 23 24 Exhibit 3 April 14, 2021, letter from 17 25 Ms. Solorzano-Arroyo with link to reports from Dr. Longo Exhibit 3A Appendix A, Johnson &amp; Johnson 17 reliance and reviewed documents list, March 5, 2021 Exhibit 3B Jean Nate powder puff study 17 Exhibit 3C Johns Manville document 19</p>

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<p style="text-align: right;">Page 22</p> <p>1 I understand that there's been some</p> <p>2 objections to this from counsel for Vi-Jon and</p> <p>3 Perrigo. We will talk about that one a bit</p> <p>4 later.</p> <p>5 Exhibit 3F is a report dated</p> <p>6 April 13, 2021, MAS Project No. M71216. It's a</p> <p>7 report of analysis of two Johnson Baby Powder,</p> <p>8 one Gold Bond off-the-shelf talcum powder</p> <p>9 containers purchases from Lucky's.</p> <p>10 (Deposition Exhibits 3E and 3F were</p> <p>11 marked.)</p> <p>12 <b>Q. (BY MR. HYNES): Dr. Longo, do you offer</b></p> <p>13 <b>any opinions from your Gold Bond analysis in</b></p> <p>14 <b>that report in connection with the Prudencio</b></p> <p>15 <b>matter?</b></p> <p>16 A. No.</p> <p>17 <b>Q. Okay. And did you -- was it you who</b></p> <p>18 <b>purchased those two containers from Lucky's?</b></p> <p>19 A. No.</p> <p>20 <b>Q. Do you know who did?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. Who?</b></p> <p>23 A. Joe Satterley.</p> <p>24 <b>Q. Okay. And when did he purchase those</b></p> <p>25 <b>two containers? December of 2020?</b></p>	<p style="text-align: right;">Page 24</p> <p>1 powder analysis.</p> <p>2 (Deposition Exhibits 3G and 3H were</p> <p>3 marked.)</p> <p>4 <b>Q. (BY MR. HYNES): Dr. Longo, I think we</b></p> <p>5 <b>had discussed this report as part of your</b></p> <p>6 <b>deposition in the Johnson matter, correct?</b></p> <p>7 A. That is correct.</p> <p>8 <b>Q. And I believe to date -- it's your</b></p> <p>9 <b>understanding that the three containers that are</b></p> <p>10 <b>described in this report, you have not split the</b></p> <p>11 <b>contents of those containers for evaluation by</b></p> <p>12 <b>other laboratories to this point in time,</b></p> <p>13 <b>correct?</b></p> <p>14 A. I don't recall any request for that.</p> <p>15 That would be correct.</p> <p>16 <b>Q. Okay. And similarly, with what we just</b></p> <p>17 <b>looked at in 3F, those two containers that were</b></p> <p>18 <b>purchased by Mr. Satterley, it's your</b></p> <p>19 <b>understanding that splits of those containers</b></p> <p>20 <b>haven't been made or delivered to any other</b></p> <p>21 <b>laboratories for analysis, correct?</b></p> <p>22 A. It is correct that no requests have been</p> <p>23 made for those splits that I am aware of.</p> <p>24 <b>Q. Okay. And on those two Satterley</b></p> <p>25 <b>containers, did those -- were those sealed when</b></p>
<p style="text-align: right;">Page 23</p> <p>1 A. It was December 3, 2020, from Lucky's</p> <p>2 Store No. 708.</p> <p>3 <b>Q. Okay. Do you know where that store is?</b></p> <p>4 A. Yes. 660 San Ramon Valley Road,</p> <p>5 Danville, California. 94526 is the zip code.</p> <p>6 <b>Q. Okay. And as part of this report, you</b></p> <p>7 <b>performed, I believe, ISO PLM analysis without</b></p> <p>8 <b>any sort of heavy liquid density separation.</b></p> <p>9 <b>You performed the Colorado School of Mines</b></p> <p>10 <b>separation technique followed up by polarized</b></p> <p>11 <b>light microscopy analysis. And I believe that's</b></p> <p>12 <b>it.</b></p> <p>13 <b>Was it just the two types of</b></p> <p>14 <b>analyses that were included as part of this</b></p> <p>15 <b>report?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. Okay. No TEM analysis, whether with</b></p> <p>18 <b>concentration or without concentration?</b></p> <p>19 A. No.</p> <p>20 <b>Q. I'll likely come back to this report a</b></p> <p>21 <b>bit later.</b></p> <p>22 MR. HYNES: I've marked as Exhibit 3G a</p> <p>23 February 9, 2021, report on MAS Project</p> <p>24 No. M71241 on three off-the-shelf 2018 JBP</p> <p>25 containers purchased online from Ralphs talcum</p>	<p style="text-align: right;">Page 25</p> <p>1 <b>you received them from Mr. Satterley?</b></p> <p>2 A. They were. And I think if you go to the</p> <p>3 photographs, you can see the seals when they</p> <p>4 arrived. If you look at the photographs, you</p> <p>5 can see the plastic seal that goes around the</p> <p>6 top, and you can also see the seal over the</p> <p>7 holes for the application. And those</p> <p>8 containers, if you also -- if the light is</p> <p>9 right, on, like, the second container, you can</p> <p>10 actually see the Johnson &amp; Johnson on the</p> <p>11 plastic on the top. And the Gold Bond just had</p> <p>12 a plastic pull tab over the top where the holes</p> <p>13 go.</p> <p>14 <b>Q. Okay. And I guess while we are on this</b></p> <p>15 <b>report, it looks like you used your newer PLM</b></p> <p>16 <b>microscope for this, just based on the</b></p> <p>17 <b>photographs that are included; is that correct?</b></p> <p>18 A. That is correct.</p> <p>19 <b>Q. And the analysis technique that your PLM</b></p> <p>20 <b>analyst used in connection with this report</b></p> <p>21 <b>would be the same technique that was applied as</b></p> <p>22 <b>part of what was marked as Exhibit 3G, the</b></p> <p>23 <b>report on the three containers purchased online</b></p> <p>24 <b>from Ralphs, correct?</b></p> <p>25 A. Correct. They are analyzed using the</p>

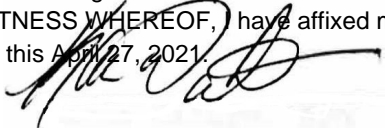
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<p style="text-align: right;">Page 26</p> <p>1 ISO PLM method. Sample preparation for the</p> <p>2 heavy liquid density is not the ISO method, but</p> <p>3 that's what I -- what we had been calling the</p> <p>4 CSM method.</p> <p>5 <b>Q. Okay.</b></p> <p>6 A. So it's two different things. There's</p> <p>7 sample prep, but then there's the analysis to</p> <p>8 determine if chrysotile is present.</p> <p>9 <b>Q. Right. So that analysis follows the ISO</b></p> <p>10 <b>22262-1 methodology?</b></p> <p>11 A. Yes.</p> <p>12 <b>Q. And Paul Hess, he was the individual who</b></p> <p>13 <b>performed all of the PLM analyses as part of</b></p> <p>14 <b>this report that was marked as 3F as well as the</b></p> <p>15 <b>part that was marked as 3G?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. Okay. And I guess as part of this</b></p> <p>18 <b>report, 3F, Mr. Hess identified what he</b></p> <p>19 <b>identified as chrysotile at levels varying</b></p> <p>20 <b>from -- without the liquid separation</b></p> <p>21 <b>technique -- levels from .006 to .009 area</b></p> <p>22 <b>percent weight, correct?</b></p> <p>23 A. I believe that's correct. I know you're</p> <p>24 just reading it off the results, but I always</p> <p>25 feel silly if I agree and then it's not. That</p>	<p style="text-align: right;">Page 28</p> <p>1 <b>preparation method, right?</b></p> <p>2 A. That is correct.</p> <p>3 <b>Q. Okay. And reporting in this way, is</b></p> <p>4 <b>that newer as far as April 2021?</b></p> <p>5 A. It is. I keep trying to be helpful.</p> <p>6 And the -- and now we are actually putting the</p> <p>7 wavelengths in, not this set; but for each of</p> <p>8 the structures that we identify in asbestos, we</p> <p>9 put the wavelengths in with the color how it</p> <p>10 matches up with the refractive indices. That</p> <p>11 will actually be in the report. I want to see</p> <p>12 if it was here. I don't think so because that's</p> <p>13 new. No.</p> <p>14 <b>Q. And where would that appear? Would that</b></p> <p>15 <b>be on the images themselves or that PLM</b></p> <p>16 <b>worksheet with analyst's name and date and all</b></p> <p>17 <b>that information?</b></p> <p>18 A. It will be on the PLM worksheet --</p> <p>19 <b>Q. Okay.</b></p> <p>20 A. -- for perpendicular and parallel. And</p> <p>21 it will then correlate with the refractive</p> <p>22 indices. So I thought that would be easier than</p> <p>23 going through and saying, okay, what's the</p> <p>24 wavelength here? It's actually the wavelength</p> <p>25 that was determined by the analyst that was</p>
<p style="text-align: right;">Page 27</p> <p>1 is correct.</p> <p>2 <b>Q. Right. And you are looking at Table 2</b></p> <p>3 <b>on Page 7?</b></p> <p>4 A. I am.</p> <p>5 <b>Q. Okay. It looks like there's an extra</b></p> <p>6 <b>column there, right? It looks like there's two</b></p> <p>7 <b>columns for the ISO PLM method, right?</b></p> <p>8 A. Well, there's ISO PLM with no heavy</p> <p>9 liquid separation. That is in the -- that would</p> <p>10 be in the left-hand side. And then in the</p> <p>11 middle, we have the CSM sample preparation with</p> <p>12 the ISO method before the weight concentration</p> <p>13 correction recovery.</p> <p>14 <b>Q. Okay.</b></p> <p>15 A. So you don't have to go back and look at</p> <p>16 the actual count sheet. I'm just trying to make</p> <p>17 it easier for everybody.</p> <p>18 <b>Q. I see.</b></p> <p>19 <b>So if I'm looking at that, that</b></p> <p>20 <b>fourth column there is where you didn't do the</b></p> <p>21 <b>weight correction to account for the amount of</b></p> <p>22 <b>recovery by the CSM separation technique. And</b></p> <p>23 <b>then the far right column is where the levels</b></p> <p>24 <b>were adjusted to account for the amount of</b></p> <p>25 <b>material that was separated as part of the</b></p>	<p style="text-align: right;">Page 29</p> <p>1 sitting at the monitor.</p> <p>2 <b>Q. And that's for analyses going forward</b></p> <p>3 <b>only, or are you going to do this</b></p> <p>4 <b>retrospectively on analyses that have already</b></p> <p>5 <b>been completed on Johnson &amp; Johnson talcum</b></p> <p>6 <b>powder products?</b></p> <p>7 A. I don't have plans retrospectively. I</p> <p>8 would have to go back and -- I don't know what</p> <p>9 kind of time that would take.</p> <p>10 <b>Q. While we are on Table 2 on Page 7, to</b></p> <p>11 <b>round this out, it looks like the ranges that</b></p> <p>12 <b>were reported for the uncorrected CSM ISO method</b></p> <p>13 <b>were pretty close to what you found with the ISO</b></p> <p>14 <b>PLM method without the separation technique,</b></p> <p>15 <b>right?</b></p> <p>16 <b>So without separation, you have</b></p> <p>17 <b>.005 to .009 area percent weight and then with</b></p> <p>18 <b>the separation but uncorrected, you have .006 to</b></p> <p>19 <b>.009 area percent weight, right?</b></p> <p>20 A. That's correct, but that would depend on</p> <p>21 how you define that. That would be about two</p> <p>22 and a half to three times difference between the</p> <p>23 two. So the ISO PLM has higher weight</p> <p>24 concentration than if you do the correction even</p> <p>25 on the fibers and bundles that has a higher</p>

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<p>1 the newspaper or something.</p> <p>2 <b>Q. You know the content of the</b></p> <p>3 <b>advertisement?</b></p> <p>4 A. I never saw it.</p> <p>5 <b>Q. Do you know if the individuals that</b></p> <p>6 <b>returned the Longs Baby Powder were compensated?</b></p> <p>7 A. I never asked that question. You will</p> <p>8 have to ask the Kazan firm.</p> <p>9 MS. RUSSO: So in looking at my notes --</p> <p>10 and we only have four minutes left before</p> <p>11 somebody turns into a pumpkin -- I'm happy to,</p> <p>12 you know, conclude the deposition for today or</p> <p>13 conclude Volume 1 of your deposition, and I</p> <p>14 suspect we would resume Volume 2 and Kevin can</p> <p>15 go back to questioning you and then I would</p> <p>16 follow after him.</p> <p>17 THE WITNESS: Okay. That's great.</p> <p>18 Thank you.</p> <p>19 MR. HYNES: All right. Thanks, all.</p> <p>20 And, Ian, I guess we can talk about</p> <p>21 dates for continuation.</p> <p>22 MR. IAN: Yes, we'll meet and confer</p> <p>23 about the continue date.</p> <p>24 MR. HYNES: Thank you.</p> <p>25 THE VIDEOGRAPHER: Going off the record</p>	<p>1 die.)</p> <p>2 REPORTER'S CERTIFICATE</p> <p>3 I, KAREN WATERS, Registered Professional</p> <p>4 Reporter, do hereby certify that previous to the</p> <p>5 commencement of the examination, the said</p> <p>6 DR. WILLIAM LONGO, was duly sworn by me to</p> <p>7 testify to the truth in relation to the matters</p> <p>8 in controversy between the parties hereto; that</p> <p>9 the said deposition was taken in machine</p> <p>10 shorthand by me at the time and place aforesaid</p> <p>11 and was thereafter reduced to typewritten form;</p> <p>12 that the foregoing is a true transcript of the</p> <p>13 questions asked, testimony given, and</p> <p>14 proceedings had.</p> <p>15 I further certify that I am not employed</p> <p>16 by, related to, nor of counsel for any of the</p> <p>17 parties herein, nor otherwise interested in the</p> <p>18 outcome of this litigation.</p> <p>19 IN WITNESS WHEREOF, I have affixed my</p> <p>20 Signature this April 27, 2021.</p> <p>21 </p> <p>22 Karen Waters</p> <p>23 _____ Reading and Signing was requested.</p> <p>24 <input checked="" type="checkbox"/> Reading and Signing was waived.</p> <p>25 _____ Reading and Signing is not required.</p>
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<p>1 at 3:57 p.m.</p> <p>2 THE COURT REPORTER: Signature?</p> <p>3 MR. RIVAMONTE: I don't think Dr. Longo</p> <p>4 typically wants to read and sign, but I'll ask</p> <p>5 him.</p> <p>6 THE COURT REPORTER: Mr. Hynes, you need</p> <p>7 this rush, right?</p> <p>8 MR. HYNES: Yes, whatever our standing</p> <p>9 order is, rough and expedited final. We are</p> <p>10 gearing up for trial here.</p> <p>11 MS. RUSSO: We will take it expected</p> <p>12 rush, however you are getting it to Kevin. Is</p> <p>13 there a prior request for a rough?</p> <p>14 MR. HYNES: Yes. Our standing order is,</p> <p>15 a rough.</p> <p>16 MS. RUSSO: I will have what he's</p> <p>17 having.</p> <p>18 MR. RIVAMONTE: Same here, whenever they</p> <p>19 get it, we want it the same.</p> <p>20 THE COURT REPORTER: And you want a</p> <p>21 rough?</p> <p>22 MR. RIVAMONTE: Yes.</p> <p>23 (WHEREUPON, at 3:57 p.m. on the</p> <p>24 21st day of April, 2021, the</p> <p>25 deposition was adjourned sine</p>	